

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MICHAEL J. HOLLAND, et al.,)
Plaintiffs,)
vs.) Case No. 4:08CV707 HEA
CITY OF GERALD, MISSOURI, et al,)
Defendants.)

ORDER

This matter is before the Court on Defendant Kestermont, McCrary and Ramsey's Motion for Bill of Costs, [Doc. No. 261]; Defendant City of Gerald's Motion for Bill of Costs, [Doc. No. 264]; "Plaintiffs'" Amended Motion for Award of Attorneys' Fees and Litigation Expenses, [Doc. No. 269]; Defendant Bill Jakob's Motion for Remitter of Punitive Damages, [Doc. No. 272]; Plaintiffs' Motion for Bill of Costs, [Doc. No. 274]; Plaintiffs' Second Amended Motion for Award of Attorneys' Fees and Litigation Expenses, [Doc. No. 275]; Plaintiffs' Motion to Strike the Bill of Costs Submitted by Defendant City of Gerald and Defendants McCrary, Ramsey and Kestermont, [Doc. No. 276]; Plaintiffs' Motion for Bill of Costs, [Doc. No. 278]; Plaintiffs' Motion for Award of Attorneys' Fees and Litigation Expenses, [Doc. No. 279]; Defendants McCreary and Ramsey's Motion for Judgment as a Matter of Law on the Claims for Punitive Damages or, in the Alternative, Motion to Amend Judgment, [Doc. No. 282]; Plaintiffs' Motion for

Disclosure of Defendants' Billing Records, [Doc. No. 293]; and Plaintiffs' Supplemental Motion for Attorney Fees, [Doc. No. 299]. A hearing on all pending motions was held on June 26, 2012, and the matters were taken under submission. The Court makes the following findings and conclusions:

Plaintiffs' Motion to Strike, [Doc. No. 276], is Denied.

Defendant McCreary, Ramsey and Kestermont's Motion for Bill of Costs, [Doc. No. 261], is granted in favor of Defendant Kestermont and denied as to Defendants McCreary and Ramsey. Counsel for these Defendants shall submit an Amended Bill of Costs which relates solely to costs incurred by Defendant Kestermont.

Defendant City of Gerald's Motion for Bill of Costs, [Doc. No. 264], is granted. Costs are assessed against Plaintiffs in the amount of \$8,373.14.

Plaintiffs' Motions for Attorneys' Fees and Litigation Expenses, [Doc. No.'s 269, 275, 279, and 299] are denied without prejudice to refiling. Plaintiffs seek attorneys' fees and litigation expenses without any designation that the fees requested are solely related to the Plaintiffs which prevailed in this matter on their claims. Some plaintiffs were dismissed prior to trial. Some plaintiffs were dismissed during trial. Some plaintiffs did not in fact prevail. Thus, the Court is not in an advised position to determine whether, in its discretion, attorneys' fees should be awarded. Counsel for Plaintiffs are granted leave to refile their motions

for attorneys' fees which specifically detail the time spent with regard to each individual plaintiff.

Defendant Bill Jakob's Motion for Remitter of Punitive Damages, [Doc. No. 272], is denied.

Plaintiffs' Motion for Bill of Costs, [Doc. No. 274], is denied for the same reasons listed above with regard to Plaintiffs' Motions for Attorneys' Fees. Plaintiffs are given leave to refile their Bill of Costs which specifically detail costs incurred by each plaintiff.

Plaintiffs' "Bill of Costs," [Doc. No. 278], is, in reality, a request for Attorneys' Fees. Attorneys' fees are not costs, and therefore, this "Bill of Costs" is denied.

Defendants McCreary and Ramsey's Motion for Judgment as a Matter of Law on the Claims for Punitive Damages or, in the Alternative, Motion to Amend Judgement, [Doc. No. 282], is denied.

Plaintiffs' Motion for Defendants' Disclosure of Billing Records, [Doc. No. 293], is granted to the extent that Defendants shall provide their hourly billing rates and total hours billed to Plaintiffs' counsel.

Dated this 19th day of July, 2012.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE